

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )

1998 Biennial Regulatory Review— )  
47 C.F.R. Part 90—Private Land Mobile )  
Radio Services )

WT Docket No. 98-182  
RM-9222

Replacement of Part 90 by Part 88 to Revise )  
the Private Land Mobile Radio Services and )  
Modify the Policies Governing Them )

PR Docket No. 92-235

and )

Examination of Exclusivity and Frequency )  
Assignment Policies of the )  
Private Land Mobile Services )

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**REPLY COMMENTS OF THE  
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.**

On November 13, 2000, Motorola, Inc. (Motorola) filed a Petition for-Reconsideration<sup>1</sup> (Petition) of the Commission's *Report and Order* (R&O) adopted in the above-referenced proceeding.<sup>2</sup> On behalf of the membership of the Industrial Telecommunications Association (ITA)<sup>3</sup>, we hereby submit these comments in support of Motorola's Petition.

<sup>1</sup> See In the Matter of 1998 Biennial Regulatory Review—47 C.F.R. Part 90—Private Land Mobile Radio Services, Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, Petition for Reconsideration, filed by Motorola, Inc. (Motorola) on November 13, 2000. (Petition).

<sup>2</sup> See In the Matter of 1998 Biennial Regulatory Review—47 C.F.R. Part 90—Private Land Mobile Radio Services, Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No 98-182, PR Docket No. 92-235 (rel. July 12, 2000). (R&O).

<sup>3</sup> ITA enjoys the support of a membership including more than 3,500 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and eleven national trade associations. In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communication Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

Motorola seeks reconsideration of the Commission's decision to allocate five low power VHF frequencies,<sup>4</sup> previously authorized for use in the Part 90 Private Land Mobile Radio Services (PLMRS) with site-specific licensing requirements, into the Part 95 Citizens Band Radio Services for a Multi-Use Radio Service (MURS) without a licensing requirement. The Commission defines MURS as "a private, two-way, short-distance voice, data or image communications service for personal or business activities of the general public."<sup>5</sup>

Under the current rules, neither business and industrial, nor any other licensee group, will have exclusive use of the MURS frequencies and will be required to share the spectrum with the general public.<sup>6</sup> However, allowing business and personal communications users to operate within the same band could saturate radio communications in a given area and could ultimately result in harmful interference to daily business operations. Since traditional business and industrial users deploy their systems to foster smooth business operation, reductions in potential interference are vital.

ITA supports Motorola's contention that these frequencies "should be reserved for business and industrial use only" based on the current demand for business frequencies.<sup>7</sup> We believe that offering these frequencies for low power, *business only* operation with specified technical parameters (similar to those of low power licensees operating under Part 90 of the Commission's rules) would increase the spectrum efficiency that the private wireless industry boasts; and therefore, serve the public interest.

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<sup>4</sup> The specified frequencies include 154.5700 MHz, 154.6000 MHz, 151.8200 MHz, 151.8800 MHz, and 151.9400 MHz.

<sup>5</sup> See 47 C.F.R. 95.401

<sup>6</sup> See 47 C.F.R. 95.1309(a) stating that "the channels authorized to MURS systems...are available on a shared basis only and will not be assigned for the exclusive use of any entity."

<sup>7</sup> Petition at p. 3-4.

Similar to Motorola's Petition, ITA also urges the Commission to "reinstate the licensing requirements for these frequencies and return the frequencies to the Part 90 PLMR Services."<sup>8</sup> We believe that the public interest would be best served by reinstating the licensing requirements of these five low power frequencies to guard against the misuse of MURS spectrum. The best option to protect against unwarranted and unwanted usage of MURS spectrum (such as interconnection with a Publicly Switched Network, interoperability with FRS spectrum<sup>9</sup> or high power operation) would be to implement a licensing requirement that guards against potential misuse while protecting compliant business and industrial users operating on these frequencies.

For the reasons mentioned above, ITA supports Motorola's request that the Commission reconsider its action of June 28, 2000, and reallocate the five low power VHF frequencies assigned to the Citizen Radio Band back to the Private Land Mobile Radio Services under part 90 of the Commission's rules. Further, we urge the Commission to reinstate the licensing

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<sup>8</sup> *Id* at p. 7.

<sup>9</sup> Aside from this proceeding, ITA supports clarification of the rules in FRS spectrum to encompass the definition of business use in a "family needs" sense, as opposed to the traditional definition of "business use" in the private wireless bands.

requirements that these frequencies would fall under in Part 90 to ensure proper use of these channels and promote the integrity of private business and industrial communications.

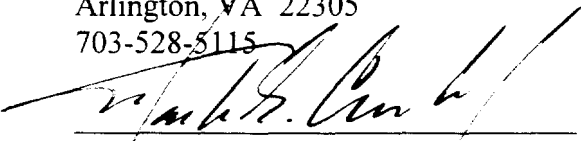
Respectfully Submitted,

**Industrial Telecommunications Association, Inc.**

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Date: November 21, 2000

## **CERTIFICATE OF SERVICE**

I, Jeremy W. Denton, do hereby certify that on the 21st day of November 2000, I forwarded to the parties listed below a copy of the foregoing Comments of the Industrial Telecommunications Association, Inc. by first-class mail, postage pre-paid:

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